

**From:** [ENERGY STAR Enforcement](#)  
**To:** [David McDonald](#)  
**Cc:** [Joe Kuznia](#); [windows@energystar.gov](mailto:windows@energystar.gov)  
**Subject:** ENERGY STAR Dispute – ENERGY STAR Dispute – EPA disqualifying MAR-N-118-01448-00001 (Case #: WDS13-2016-01)  
**Date:** Wednesday, March 13, 2019 10:58:25 AM

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Dear David McDonald:

EPA has completed its review of Marvin Windows and Doors testing failure dispute, and determined that Marvin Windows and Doors model MAR-N-118-01448-00001 will be disqualified from the ENERGY STAR Program.

The Marvin Windows and Doors dispute states that the National Fenestration Rating Council (NFRC) did not provide timely notice of non-compliance of the failure, which prevented you from examining the unit before additional tests were conducted. Examination of the failed unit is not permitted as part of the standard testing procedure per NFRC's Verification Testing Procedures (NFRC 713). You also assert that NFRC did not provide notice of preliminary results of the failure, as is stipulated in NFRC's Manufacturer Guidelines (NFRC 713.01). However, the preliminary notice provided by NFRC does not provide an opportunity for the partner to manipulate or replace the product. In addition, you state that the use of the "SparkLike" test during verification testing was incorrect based on the gas fill of the product. The test laboratory's use of the "SparkLike" test on the unit is for descriptive purposes and does not verify product performance. Test laboratories are instructed to proceed with hot-box testing to verify the labeled performance even if the SparkLike check returns a lower-than-expected amount of gas fill. Finally, you assert that the model was not manufactured for sale in the current certification cycle. The model was designated as an ENERGY STAR option at the time of verification testing and its current status does not impact the test results. For these reasons, the model will be disqualified from ENERGY STAR.

Organizations responsible for ENERGY STAR ENERGY STAR products that are disqualified through ENERGY STAR verification testing are required to submit confirmation of product control measures ("PCM") taken to control the sale, distribution and promotion of the affected units in the marketplace.

Marvin Windows and Doors' submittal of PCM is due by **April 2, 2019**, and should be made using the standard Partner Response Form ("PRF") available at <http://www.energystar.gov/prfnd>. Upon review of your Marvin Windows and Doors' proposed PCM, EPA will notify Marvin Windows and Doors whether they are acceptable. If Marvin Windows and Doors seeks to deviate from the proposed PCM, it must notify EPA prior to doing so. Please submit Marvin Windows and Doors' completed PRF and any supporting documentation to: [enforcement@energystar.gov](mailto:enforcement@energystar.gov). **All communication regarding this notice must include the appropriate case number WDS13-2016-01 in the subject line.**

As the ENERGY STAR name and logo are registered marks belonging to the U.S. government, EPA must ensure they are used correctly to protect the integrity of the program they represent. Any partner that uses the name and/or logo improperly and fails to take product control measures per EPA's request may be subject to termination of its ENERGY STAR Partnership Agreement, and referred to EPA's Office of General Counsel.

Thank you for your prompt attention to this matter and your continued support of the ENERGY STAR program.

Sent on behalf of:

Mariah Steele  
ENERGY STAR Partner Accountability  
U.S. Environmental Protection Agency  
(202) 343-9305  
Email: [Steele.Mariah@epa.gov](mailto:Steele.Mariah@epa.gov)

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**From:** David McDonald <DavidMc@marvin.com>  
**Sent:** Tuesday, August 21, 2018 4:43 PM  
**To:** ENERGY STAR Enforcement  
**Cc:** Joe Kuznia; Steele.Mariah@epa.gov  
**Subject:** RE: WDS13-2016-01 - Marvin Windows and Doors

Mariah,

Thank you for your correspondence.

We reviewed several documents during this process including the 2 attached documents:

- NFRC 713 Independent Verification Program and
- NFRC 713.01 NFRC IVP Manufacturer Guideline.

NFRC 713.01 was referenced regarding “preliminary results from NFRC” in Section 1. Manufacturer IVP Guidelines, 1.5 Verification Testing (D) (v.) – “Staff will provide the Participant with preliminary results of the test.” We made note of this section also for EPA Case Number WDS14-2016-01.

Shortly after this process was started, we removed them from our manufacturing system so that the products will no longer label for NFRC as we await the results of the appeals.

Please let us know if you have any further questions

Regards,

David McDonald | Code and Regulatory Affairs  
Marvin Windows and Doors | PO Box 100 | Warroad, MN 56763  
Phone: 218-386-1430 ext. 1714 | Email: [davidmc@marvin.com](mailto:davidmc@marvin.com)

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**From:** ENERGY STAR Enforcement [mailto:enforcement@icfi.com]  
**Sent:** Wednesday, August 15, 2018 8:43 AM  
**To:** David McDonald <DavidMc@marvin.com>  
**Cc:** Joe Kuznia <JOKUZNIA@marvin.com>; steele.mariah@epa.gov  
**Subject:** Re: WDS13-2016-01 - Marvin Windows and Doors

Dear David:

EPA is reviewing Marvin Windows and Doors' dispute and requests additional information.

In your WDS13-2016-01 dispute, you state that Marvin Windows and Doors may have taken different actions had it received “preliminary results from NFRC.” NFRC 713 Independent Verification Program (IVP) provides for notification upon completion of testing. Please clarify with a citation the section of the 713 document that requires preliminary notice from NFRC, and specifically, what aspect of testing “preliminary results” refers to.

Thank you.

Sent on behalf of:

Mariah Steele  
ENERGY STAR Program Compliance  
U.S. Environmental Protection Agency  
(202) 343-9305  
email: [Steele.Mariah@epa.gov](mailto:Steele.Mariah@epa.gov)

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**From:** David McDonald <[DavidMc@marvin.com](mailto:DavidMc@marvin.com)>  
**Sent:** Monday, March 5, 2018 3:08 PM  
**To:** Steele, Mariah  
**Cc:** Joe Kuznia; ENERGY STAR Enforcement  
**Subject:** RE: WDS13-2016-01 - Marvin Windows and Doors  
Mariah,  
Thank you for the quick response and update.  
David McDonald

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**From:** Steele, Mariah [<mailto:Steele.Mariah@epa.gov>]  
**Sent:** Monday, March 5, 2018 2:06 PM  
**To:** David McDonald <[DavidMc@marvin.com](mailto:DavidMc@marvin.com)>  
**Cc:** Joe Kuznia <[JOKUZNIA@marvin.com](mailto:JOKUZNIA@marvin.com)>; ENERGY STAR Enforcement <[enforcement@icfi.com](mailto:enforcement@icfi.com)>  
**Subject:** Re: WDS13-2016-01 - Marvin Windows and Doors  
Hello David:  
This case is currently under review.  
Best,  
Mariah Steele  
ENERGY STAR

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**From:** David McDonald <[DavidMc@marvin.com](mailto:DavidMc@marvin.com)>  
**Sent:** Monday, March 5, 2018 2:54 PM  
**To:** Steele, Mariah  
**Cc:** Joe Kuznia  
**Subject:** FW: WDS13-2016-01 - Marvin Windows and Doors  
Mariah,  
Would you please give me a call regarding WDS13-2016-01? I am just following up to find out where this is at.  
I have copied Joe Kuznia on this email and he works in Regulatory Compliance.  
Thanks  
David McDonald | Code and Regulatory Affairs  
Marvin Windows and Doors | PO Box 100 | Warroad, MN 56763  
Phone: 218-386-1430 ext. 1714 | Email: [davidmc@marvin.com](mailto:davidmc@marvin.com)

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**From:** ENERGY STAR Enforcement [<mailto:enforcement@icfi.com>]  
**Sent:** Tuesday, January 9, 2018 8:21 AM  
**To:** David McDonald <[DavidMc@marvin.com](mailto:DavidMc@marvin.com)>  
**Subject:** Re: WDS13-2016-01 - Marvin Windows and Doors  
Dear David McDonald:

Marvin Windows and Doors' submittal for MAR-N-118-01448-00001 has been received.

EPA is reviewing the submittal and will respond once that review is complete.

Sent on behalf of:

Mariah Steele

ENERGY STAR Partner Accountability

U.S. Environmental Protection Agency

(202) 343-9305

Email: [Steele.Mariah@epa.gov](mailto:Steele.Mariah@epa.gov)

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**From:** David McDonald <[DavidMc@marvin.com](mailto:DavidMc@marvin.com)>

**Sent:** Wednesday, January 3, 2018 12:08:34 PM

**To:** ENERGY STAR Enforcement

**Subject:** WDS13-2016-01 - Marvin Windows and Doors

Dear EPA Enforcement,

Thank you for your letter dated December 14, 2017 regarding MAR-N-118-01448-0000, EPA Case Number WDS13-2016-01.

Please see our response with Option B, disputing the pending disqualification, included with this email.

We look forward to working with you regarding this matter.

Respectfully submitted,

**David McDonald | Code and Regulatory Affairs**

**Marvin Windows and Doors | PO Box 100 | Warroad, MN 56763**

**Phone: 218-386-1430 ext. 1714 | Email: [davidmc@marvin.com](mailto:davidmc@marvin.com)**

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Attachments:

Partner Response Form

Additional Information - PDF